

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

STEVEN DARBY MCDONALD,

Plaintiff,

v.

JOHN DAVID KENNEY, G. STEVEN  
HAMMOND,

Defendants.

No. C13-5647 BHS/KLS

ORDER TO SHOW CAUSE

This case has been referred to United States Magistrate Judge Karen L. Strombom pursuant to 28 U.S.C. § 636(b)(1) and Local MJR 3 and 4. On July 31, 2012, Plaintiff filed a motion for leave to proceed *in forma pauperis* (IFP). ECF No. 1. In the application, Plaintiff states that he does “not have a dime” and that he has no cash, checking or savings. *Id.*, p. 2. Plaintiff attached to his IFP application an account statement as of July 9, 2013 from the Stafford Creek Corrections Center (SCCC) reflecting that his monthly receipts are only \$0.90 but that his average spendable balance is \$964.27. *Id.*, p. 4.

The Court may permit indigent litigants to proceed *in forma pauperis* upon completion of a proper affidavit of indigency. See 28 U.S.C. § 1915(a). However, the Court has broad discretion in denying an application to proceed *in forma pauperis*. *Weller v. Dickson*, 314 F.2d 598 (9th Cir. 1963), cert. denied, 375 U.S. 845 (1963). Based on the information provided by Plaintiff, the Court is unable to determine whether his IFP application should be granted because it appears that he has funds available to pay the filing fee.

1 Accordingly, the Court **ORDERS:**

2 (1) Plaintiff shall provide the Court with a written explanation of the SCCC account  
3 statement reflecting that he has an average spendable balance available to him in the amount of  
4 \$964.27 and shall further explain why he is unable to pay the court filing fee. Plaintiff shall  
5 provide such written explanation to the Court **on or before August 23, 2013**. Plaintiff's failure  
6 to do so shall be deemed a failure to properly prosecute this matter and the Court will  
7 recommend dismissal of this matter.  
8

9 (2) The Clerk is directed to send a copy of this Order to Plaintiff.  
10

11 **DATED** this 6<sup>th</sup> day of August, 2013.  
12

13  
14 

15 Karen L. Strombom  
16 United States Magistrate Judge  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26